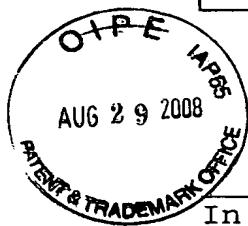


I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Dated: August 26, 2008      Signature:   
(William A. DiBianca)

**EXPEDITED PROCEDURE**

Group Art Unit: 3738  
Docket No.: SPINE 3.0-437  
CIP CIP CIP CIP CIP CIP CON I



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: :  
Errico et al. :  
Application No.: 10/784,646 : Group Art Unit: 3738  
Filed: February 23, 2004 : Examiner: B. E.  
For: ARTIFICIAL INTERVERTEBRAL DISC :  
TRIAL HAVING A CONTROLLABLY :  
SEPARABLE DISTAL END :  
Pellegrino

**AMENDMENT UNDER 37 CFR 1.116**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated February 26, 2008, finally rejecting claims 1-21, please amend the above-identified U.S. patent application as follows: